



LESEDI LOCAL MUNICIPALITY

DISASTER MANAGEMENT BY-LAW

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 and under Chapter 5 of the Disaster Management Act, 2002 (Act 57 of 2002), the Lesedi Local Municipality enacts as follows:-

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Definitions

In this by-law, unless the context otherwise requires –

“**Act**” means the Disaster Management Act, 2003 (Act 57 of 2002);

“**Council**” means the Council of the Lesedi Local Municipality;

“**municipality**” means the Lesedi Local Municipality and includes any political structure, political office-bearer or duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, agent or employee; and any other word or expression that has the meaning assigned to it by the Act.

2. Principles and objectives

The municipality, aware of its duty to the residents to prevent or reduce the risk of disasters, to mitigate the severity of disasters, to cultivate emergency preparedness within the community, and to rapidly and effectively respond to disasters and to promote post-disaster recovery, adopts these by-laws with the aim of fulfilling its duty in accordance with the principles underlying the Act.

3. Implementation of disaster management framework and plan

The municipality, having established a framework for disaster management in accordance with section 42(1) of the Act, in this by-law implements such framework and the disaster management plan as prepared in accordance with section 53 of the Act.

4. Council to act in accordance with regulations

Whenever a disastrous event, contemplated in section 49 of the Act, occurs or threatens to occur, the Disaster Management Centre, as established by section 43 of the Act, and the Council shall act in accordance with the disaster management plan and section 5 of these by-laws.

5. Issue of directions

(1) Whenever a local state of disaster has been declared by notice in the Provincial Gazette, and subject to the provisions of section 55(3) of the Act, Council may issue directives or authorise the issue of directions in terms of section 55(2) of the Act –

- a) instructing all or part of the population to evacuate the disaster-stricken or threatened area by the means prescribed in the directions if such action is necessary for the preservation of life;
- b) prescribing the time within which the evacuation referred to in paragraph (a) must be completed;
- c) indicating the temporary shelters where evacuees or groups of evacuees are to be transported and housed, and the time for which they must be so housed;
- d) regulating traffic to, from or within the disaster-stricken or threatened area;
- e) regulating of the movement of persons and goods to, from or within the disaster-stricken or threatened area;
- f) controlling the occupancy of premises in the disaster-stricken or threatened area;
- g) relating to the identification, provision, control and use of temporary emergency accommodation;
- h) suspending or limiting the sale, dispensing or transportation of alcoholic beverages in, to or from the disaster-stricken or threatened area;
- i) establishing emergency procurement procedures; or
- j) any other steps that may be necessary to prevent an escalation of the disaster, or to alleviate, contain and minimize the effects of the disaster.

(2) The directions issued in terms of subsection (1) will be properly issued if they are issued according to the disaster management plan.

6. Offences and penalties

A person who fails to comply with an oral or written instruction by the municipality, given in terms of the directions issued under section 5, commits an offence and is liable, on conviction, to a fine or imprisonment or to both a fine and imprisonment.

7. Short title and commencement

(1) This by-law may be cited as the Lesedi Local Municipality Disaster Management By-law.

(2) Except for the directions issued in terms of section 5, this by-law commences on the date of publication thereof in the Provincial Gazette.

(3) The directions issued under section 5 shall commence on the date when it is issued in terms of section 5(2).

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